THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22794 of 2006

18.11.2006

Between:
Mukku Kasi Reddy, S/o.Dasi Reddy

… Petitioner

And

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22794 of 2006

ORDER:

The petitioner is a former Member of Legislative Assembly. He is the Member of Assignment Review Committee (ARC) of Kanigiri Assembly Constituency in Prakasam District. In connection with third phase of the programme for distribution of agricultural land to landless poor persons, the Mandal Revenue Officer (MRO), Veligonda – third respondent herein; issued notice dated 18.10.2006 to the petitioner inviting for the meeting on 19.10.2006. Other MROs circulated similar notices in respect of C.S.Puram, Pedacherlopalli and Pamur Mandals. Along with notices lists containing names of 4000 beneficiaries were also circulated. The petitioner contends that for verifying the details of 4000 persons with reference to eligibility criteria itself would take a minimum of one week. But the meeting was proposed to be conducted in a hasty manner rendering the meeting of ARC an empty formality. No opportunity was given to the members. It is also the contention of the petitioner that most of the persons in the list of beneficiaries circulated to ARC members are ineligible and some of the eligible persons in all the Mandals/villages are excluded without following eligibility criteria.

The petitioner therefore filed the present writ petition seeking a writ of Mandamus declaring the notices issued by respondents 3 to 6 as illegal, arbitrary and for a consequential direction to respondents

not to make any assignment of the land in favour of the beneficiaries who have been identified in the meeting held on 19.10.2006.

This writ petition was initially listed before this Court on 03.11.2006. Learned Government Pleader for Revenue (Assignment) brought to the notice of this Court that the Government proposed to assign land to landless poor persons in the third phase of its programme on 19.11.2006 and if any interim orders are passed that would be prejudiced. He sought one week time to produce the records. Considering the submission of the learned Government Pleader, this Court ordered *status quo* with regard to allotment of house sites in respect of Kanigiri, Veligandla, C.S.Puram, Pedacherlopalli and Pamur Mandals, observing that the MRO shall however proceed with the process connected with the assignment of land.

Respondents subsequently filed W.V.M.P.No.2179 of 2006 along with counter affidavit. The petitioner is also filed reply affidavit. Therefore, the matter was heard finally and is being disposed of by this order.

The MRO, Pedacherlopalli Mandal, filed the counter affidavit on behalf of the respondents. The writ petition is opposed as not maintainable. It is also stated that all the MROs in Kanigiri Assembly Constituency identified eligible persons following the normal procedure by conducting enquiry into social and economic status of the beneficiaries. All the beneficiaries selected in all four Mandals are in below poverty line. After conducting enquiry by the Panchayat Secretaries and Revenue Inspectors, 106 beneficiaries from Veligandla, 382 beneficiaries from C.S.Puram, 433 beneficiaries from Pedacherlopalli and 156 beneficiaries from Pamur Mandal (total 1077 beneficiaries) are selected for assignment of total extent of Acs.2513.94. Hon'ble Revenue Minister in the video conference held with District Collectors on 14.10.2006 instructed to convene ARC meeting to finalise list of beneficiaries before 20.10.2006 in order to launch programme for distribution of house site pattas on 01.11.2006. The Revenue Divisional Officer (RDO), Kandukur, fixed 19.10.2006 for convening meeting of ARC pursuant to which notice was issued on 18.10.2006. In the ARC meeting of all the four Mandals, majority members including the petitioner attended the meeting. The allegation that the list of 4000 benficiaries circulated is denied. It is also alleged that the deposing MRO or other MROs have not received any complaints and as the meeting was already held on 19.10.2006, the same cannot be questioned. As the programme was postponed,

pattas were not distributed to the beneficiaries.

Learned Senior Counsel submits that the very purpose of constituting/reconstituting ARC would be defeated if the meeting is held without proper notice and without giving adequate time for verifying the list of beneficiaries. As the Government is bent upon uplifting the poor landless persons, the benefit of this programme should go to the poor persons eligible for assignment and if proper enquiry is not conducted, there is likelihood of rich and marginal owners appropriating the benefit of the programme. He submits that to ensure such effective implementation of the assignment programme, there should be transparency in the selection process. According to the learned Senior Counsel, when the concerned MROs conducted enquiry through Revenue Inspectors and Panchayat Secretaries, the lists of beneficiaries ought to have been supplied to all the members for verification. The learned Senior Counsel, therefore, would urge that in the absence of sufficient time for verification of the lists of beneificaries, the procedure adopted is not fair and not transparent.

Learned Government Pleader for Revenue (Assignment) submits that utmost care was taken while preparing the list of beneficiaries and that at no point of time any ineligible person was included in the list. He also submits that names of the beneficiaries, who are found ineligible, are already deleted in the list submitted to the members of ARC and that respondents would reconsider the names of the persons who according to the petitioner are ineligible. He submits that at present Venigandla, C.S.Puram, Pedacherlopalli and Pamuru are only selected for distribution of land and wherever there is any doubt about the eligibility of any person, name of such person would be considered and excluded from the list of beneficiaries.

This case presents a peculiar situation. It is not a case of the petitioner enforcing his right. It is a case where the petitioner as a member of ARC is interested to see that ineligible persons are excluded from the list of beneficiaries and eligible persons are included in the list. In the absence of any *mala fide* intention in the petitioner, this Court can always scrutinize the action of the respondents to see whether the avowed policy of the Government to distribute Government land to landless poor persons, is properly implemented in accordance with the criteria of eligibility. In the guise of implementing the policy, if the officials in the lower rung of revenue administration assign the land to those persons who are not poor or those persons who already own lands, the policy would be defeated resulting in discriminatory administrative action. The very purpose of

constituting ARC was to see that only eligible persons are assigned the lands. That can be ensured if there is a transparency in the selection process. This was however given as go bye while preparing the list of beneficiaries at least insofar as giving sufficient time to the members of ARC to verify the list of beneficiaries at random. Not even 48 hours of time was granted. It would certainly be impossible even to make enquiries by using the presently available high-tech telecommunication network to verify the correctness of the particulars of the persons included in the lists. The justification given in the counter affidavit however is no ground to proceed with the assignment of land in great haste. It is no doubt true that in this country there is great urgency for assigning land to landless poor persons as a method of economic empowerment, employment and social security for rural people. The same does not however mean that to usher in social and economic equalities, Rule of law should be ignored in the selection of beneficiaries for assignment of land. The learned Government Pleader does not dispute this. That is why he fairly submits that all necessary steps would be taken to ensure that the land will be assigned to needy landless and poor persons keeping in view the noble object of the assignment policy.

After giving anxious consideration to the rival submissions, the writ petition is disposed of with the following directions and observations.

(i) While allotting/assigning land to persons in Veligandla, C.S. Puram, Pedacherlopalli and Pamur Mandals in Prakasham District, is concerned, the assigning authority (RDO), shall exclude the names of those persons who are allegedly ineligible and whose names are mentioned in the lists furnished by the learned senior counsel for the petitioner, to the learned Government Pleader for Revenue (Assignment);

(ii) Even while issuing appropriate assignment orders to all eligible persons, RDO shall incorporate a condition to the effect that “the assignment is made subject to further verification and if it is found subsequently that the assignee is ineligible either being not a resident of concerned Village or not falling within the economic criteria or not being landless and poor, the assignment shall be cancelled without further notice to the assignee”;

(iii) RDO, Kandukuru, who is the assigning authority, shall ensure that all the assignment orders to be given now to the persons in Mandals named hereinabove are reviewed personally by him and submit report to the District Collector

for further verification as to whether all the assignees are landless and poor and also eligible as per the assignment rules; and

(iv) The submission of the learned Government Pleader for Revenue (Assignment) that most of the persons in respect of whom the petitioner raised objections are already deleted, is recorded.

There shall be no order as to costs.

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(**V.V.S.RAO, J**)

November 18, 2006
ys/ghn